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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,917	10/05/2005	Mats Nilsson	528.1201USN	6231
33369 7590 01/09/2008 FASTH LAW OFFICES (ROLF FASTH) 26 PINECREST PLAZA, SUITE 2 SOUTHERN PINES, NC 28387-4301			EXAMINER BARTOSIK, ANTHONY N	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/551,917	NILSSON, MATS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anthony N. Bartosik	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3-MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "11" has been used to designate both spherical housing and inner structure. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "12" has been used to designate both cellular plastic housing and outer structure. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: line 8 contains the word "and." It appears that "and" is a typographical error and should be "an." Appropriate correction is required.
3. Claim 1 recites the limitation "the enclosure objects." There is insufficient antecedent basis for this limitation in the claim.

4. Claim 13 recites the limitation "the objects." There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 112***

5. **The following is a quotation of the first paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

7. **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The disclosure does not adequately describe how the outer structure (12) that through pulling forces on the outer structure holds the inner structure together when the outer and inner structure are not bonded to each other.
9. Claim 9 is additionally rejected under 112, second paragraph as being indefinite regarding the thickness of the plastic and how that affects the condensation inside the

dome. The claim nor the specification point out how the thickness of the plastic changes the amount of condensation in the dome.

10. Claim 12 is additionally rejected under 112, second paragraph as an improper use claim as the claim attempts to claim a process without setting forth any steps involved in the process. See/review MPEP 2173.05(q).

11. Claims 13 and 14 are improper method steps. Method claims are meant to instruct the reader what action has to be taken. Typically words setting forth a series of steps requiring an action to be taken and not one already performed.

### ***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**13. Claims 1, 2, 10, and 11, as best understood and in consideration of the 35 U.S.C. 112 rejections previously stated, are rejected under 35 U.S.C. 102(b) as being anticipated by Cooley (US 5,325,642).**

14. In Re claim 1, Figure 1 of Cooley discloses a dome being of a material and structure that maintains the shape of the dome and the clearance between the dome and the enclosed objects characterized in that the dome comprises an inner structure

(12) that withstands external pressure forces and an outer structure (10) that through pulling forces on the outer structure holds the inner structure (12) together, which outer (10) and inner (12) structures are not bonded to each other and at least the outer structure is attachable to a base mount (16,70).

15. In Re claim 2, Figure 1 of Cooley discloses an inner structure that is attachable to said base mount.

16. In Re claim 10, Figure 1 of Cooley discloses a dome that is provided with means for maintaining a pressure within the dome that slightly exceeds the surrounding pressure. Examiner notes that the pressure of the substance within the inner dome would be higher than the atmospheric pressure outside the dome. The Examiner further notes that since the dome is designed to contain a substance within the dome, it would thereby include a means for maintaining the substance as well as the pressure.

17. In Re claim 11, Figure 1 of Cooley is capable of enveloping electronic radio communication equipment in that the material of the inner and outer structures are such that radio waves are able to penetrate the dome.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 3-5, and 7-9, as best understood and in consideration of the 35 U.S.C. 112 rejections previously stated, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooley.**

20. In Re claim 3, Figure 1 of Cooley discloses the claimed invention except for the rigid cellular plastic material. It would have been obvious to one skilled in the art at the time of the invention to use rigid plastic material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. MPEP 2144.04.

21. In Re claim 4, Figure 1 of Cooley discloses the claimed invention except for the UV-resistant fabric. It would have been obvious to one skilled in the art at the time of the invention to use UV-resistant fabric, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. MPEP 2144.04.

22. In Re claim 5, Figure 1 of Cooley discloses the claimed invention except for the wind-stopper fabric. It would have been obvious to one skilled in the art at the time of the invention to use wind-stopper fabric, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. MPEP 2144.04

23. In Re claim 7, Figure 1 of Cooley discloses the claimed invention except for the number of vertically directed expansion chambers. It would have been obvious to one skilled in the art at the time of the invention to use a number of vertically directed expansion chambers, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. MPEP 2144.04.

24. In Re claim 8, Figure 1 of Cooley teaches a dome according to claim 4 except for the use of zips. It is notoriously well known to use zips in connection with fabric to join to pieces. It therefore, would have been obvious to one skilled in the art at the time of the invention to employ a number of zips to join the fabric edges together.

25. In Re claim 9, Figure 1 of Cooley teaches the claimed invention except for the use of cellular plastic. It would have been obvious to one skilled in the art at the time of the invention to manufacture the dome from cellular plastic, since it has been held to be



within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. MPEP 2144.04.

**26. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cooley in view of Leslie (US 6,266,927).**

27. In Re claim 6, Figure 1 of Cooley teaches the claimed invention except for the straps. Leslie however, teaches the use a number of straps that are mounted on the outer structure in order to holding the dome in place. It would have been obvious to one skilled in the art at the time of the invention to use straps on the outer dome to hold the dome in place.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony N. Bartosik whose telephone number is 571-270-3112. The examiner can normally be reached on M-F 7:30-5:00; E.D.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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AB  
11/2007